

DATE: 02-10-10

COMMITTEE: ZONING COMMITTEE

ORDINANCE I. D: 10-O-0037

RESOLUTION:

AMENDMENT:

PAGE NUMBER(S):

SECTION(S):

PARAGRAPH(S):

**AMENDS THE LEGISLATION BY ADDING 5 CONDITIONS WHICH INCLUDES A SITE PLAN DATED 10/13/09 BY BUREAU OF PLANNING.**

**AMENDMENT DONE BY COUNCIL STAFF 2/10/10**

Municipal Clerk  
Atlanta, Georgia

**10-O-0037**

AN AMENDED ORDINANCE  
BY: ZONING COMMITTEE

**U-09-24**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-06.005 (1) (b) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **DAY CARE CENTER** is hereby granted. Said use is granted to **PAN AFRICAN ORTHODOX CHRISTIAN CHURCH** and is to be located at **779 ATWOOD STREET, S.W.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 139, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

**CONDITIONS FOR U-09-24 for 779 Atwood Street, S.W.**

1. The Special Use Permit shall only be valid as long as Pan African Orthodox Christian Church is the owner and operator.
2. The day care facility shall be restricted to no more than 28 children.
3. The facility shall provide a minimum of 4 parking spaces by utilizing the contiguous lot located to the south of the facility which is also under the same ownership as the proposed day care facility.
4. The Special Use Permit shall be valid for a duration of five (5) years from the date of approval by the City Council.
5. Plan dated April 10, 2009 and marked received by the Bureau of Planning on October 13, 2009.

NOT TO SCALE

[illegible]

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM VISIBLE FIELD EVIDENCE INFORMATION ONLY. THE UNDERSIGNED SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER TAKES NO WARRANTY THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THEIR EXACT LOCATION. ADDITIONAL BURIED UTILITY LINES AND/OR STRUCTURES MAYBE ENCOUNTERED. NO

EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS



2) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 13322-02E, THE WATED AREA WITHIN THE CURRENT ZONING DISTRICT IS DEEMED BY F.E.M.A. TO BE WITHIN A 100 YEAR FLOOD HAZARD ZONE AS DETERMINED BY F.E.M.A.

3) THE CURRENT ZONING ACCORDING TO THE CITY OF ATLANTA IS R-4, RESIDENTIAL DISTRICT. THE CITY OF ATLANTA ZONING DEPARTMENT MUST BE REFERENCED FOR ALL PRESENT AND FUTURE ZONING. THE CURRENT ZONING DISTRICT.

MINIMUM FRONT SETBACK = 35 FEET.  
 MINIMUM REAR SETBACK = 15 FEET.  
 MINIMUM SIDE SETBACK = 10 FEET.  
 MINIMUM BUILDING HEIGHT = 12 FEET.

1. CERTIFICATION AND DECLARATION IS MADE TO THE ENTITIES AS LISTED IN THIS TITLE BLOCK AND/OR CERTIFICATIONS, THE CERTIFICATIONS AND DECLARATIONS ON THIS PLAT ARE NOT TRANSFERABLE TO ADDITIONAL, CONDITIONS OR SUBSEQUENT OWNERS.

2. SURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.

3. THE UNDERSIGNED SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT EXAMINATION OF THE RECORDS OF THE STATE OF GEORGIA CONCERNING THE OWNERSHIP TITLE ENJOYED BY OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH WOULD DISCLOSE.

4. PURSUANT TO RULE 100-6-09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS, THE TERM "CERTIFICATION" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES SHALL MEAN A SIGNED AND SEALED STATEMENT OF THE SURVEYOR THAT THE SURVEYOR HAS MADE A REASONABLE AND NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

CERTIFY THAT THIS SURVEY WAS DONE UNDER MY SUPERVISION USING TOPCON 302 TOTAL STATION WITH AN ANGULAR ERROR OF 2 SECONDS PER STATION. THE TRAVERSE UPON WHICH THIS PLAT IS BASED, HAS BEEN CALCULATED FOR CLOSURE BY THE LEAST SQUARE RULE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 33,076 FEET. THE ASSAULTED ACCURACY OF THIS PLAT IS ONE FOOT IN 60,396 FEET.

FIELD DATE: 4/1/09

BOUNDARY SURVEY

PAN AFRICAN ORTHODOX CHRISTIAN CHURCH, INC.

**VALENTINO & ASSOCIATES, INC.**  
LAND SURVEYORS  
1280 WINCHESTER PARKWAY SUITE 243 ATLANTA, GEORGIA 30080  
PHONE (770) 438-0015 FAX (770) 435-6050

[illegible]

SCALE: 1" = 40'  
 DATE: 4/10/09  
 JOB NUMBER: 30211  
 SHEET NUMBER: 30211  
 DATED: 4/10/09  
 BOUNDARY  
 SURVEY  
 SHEET 1 OF 1

Municipal Clerk  
Atlanta, Georgia

10-0-0037

AN ORDINANCE  
BY:

U-09-24

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ALL THAT TRACT or parcel of land lying and being in Land Lot 139, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Deed Book 37935 Pg. 190

**Juanita Hicks**

Clerk of Superior Court

Fulton County, Georgia

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 139 of the 14<sup>th</sup> District of Fulton County, Georgia, and being more particularly described as follows:

Beginning at an iron pin found in the West line of Atwood Street 150.0 feet North of the North right of way line of Beecher Street; running thence South 89 degrees 40 minutes 30 seconds West a distance of 302.33 feet to an iron pin there found; running thence South 02 degrees 12 minutes 00 seconds East a distance of 150.0 feet to an iron pin found in the North line of Beecher Street; running thence West 20.5 feet on and along the North line of Beecher Street to an iron pin there found; running thence North 01 degrees 57 minutes 40 seconds West a distance of 304.60 feet to an iron pin there found; running thence North 02 degrees 37 minutes 20 seconds West a distance of 171.86 feet to an iron pin there found; running thence South 56 degrees 58 minutes 20 seconds East a distance of 165.0 feet to an iron pin there found; running thence North 78 degrees 41 minutes 00 seconds East a distance of 42.91 feet to an iron pin there found; running thence North 34 degrees 21 minutes 00 seconds East a distance of 120.0 feet to an iron pin found in the Southwesterly line of Donnelly Avenue; running thence South 55 degrees 39 minutes 00 seconds East on and along the Southwesterly line of Donnelly Avenue; a distance of 96.50 feet to an iron pin at the point of intersection of the Southwesterly line of Donnelly Avenue with the westerly line of Atwood Street; running thence South 01 degrees 30 minutes 20 seconds East on and along the westerly line of Atwood Street a distance of 120.0 feet to an iron pin there set; thence continuing South 01 degrees 30 minutes 20 seconds East on and along the West line of Atwood Street a distance of 168.15 feet to the point of beginning; being improved property known as 779 Atwood Street, according to the present system of numbering houses in the City of Atlanta, Georgia, as shown on plat of survey prepared by Eston Pendley and Associates, Inc. dated June 14, 1988.

Being the same property as described in those deeds recorded in Deed Book 18748, Page 50, and in Deed Book 18748, Page 53, Fulton County, Georgia Records.

V-09-24

RECEIVED  
OCT 13 2007  
Bureau of  
Planning

RCS# 3425  
11/16/09  
2:54 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

09-O-2021,09-O-2022,09-O-2023,09-O-2024  
09-O-2025,09-O-2026,09-O-2027,09-O-2028  
REFER ZRB/ZONE

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

09-0-2028

(Do Not Write Above This Line)

U-09-24

An Ordinance granting a Special Use Permit for a Day Care Center pursuant to Section 16—06.005 (1) (b) for property located at 779 Atwood Street, S.W., fronting approximately 120 feet on the west side of Atwood Street, approximately 67 feet southwest of the intersection of Atwood Street and Donnelly Avenue. Depth: varies. Area: approximate 0.366 acres. Land Lot 139, 14<sup>th</sup> District, Fulton County, Georgia. OWNER: PAN AFRICAN ORTHODOX CHRISTIAN CHURCH APPLICANT: TERENCE RAYE NPU-T COUNCIL DISTRICT 4

- ☐ **CONSENT REFER**  
☐ **REGULAR REPORT REFER**  
☐ **ADVERTISE & REFER**  
☐ **1st ADOPT 2nd READ & REFER**

Date Referred

11/16/09

Referred To:

288/280/09

First Reading

Committee

Date

Chair

280/09

11/16/09

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other

Members

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other

Members

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Refer To

COUNCIL ACTION

☐ 2nd

☐ 1st & 2nd

☐ 3rd

Readings

☐ Consent

☐ V Vote

☐ RC Vote

CERTIFIED

MAYOR'S ACTION